

Remarks:

1. Rejections

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,597,605 to Gilbert. Moreover, claims 1-5 and 7-14 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,273,380 to Silvestri. Applicant respectfully traverses

2. Anticipation Rejections

The Office Action rejects claims 1 and 5 as allegedly anticipated by Gilbert and claims 1-5 and 7-14 as allegedly anticipated by Silvestri. “A claim is anticipated if and only if each and every element of the claimed invention, as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 (citation omitted). For the reasons set forth below and in view of the foregoing amendments, Applicant respectfully traverses.

a. Gilbert.

The Office Action alleges that Gilbert discloses each and every element of Applicant’s invention as described in claims 1 and 5. Applicant disagrees.

With respect to claim 1, the Office Action alleges that Gilbert describes a non-elastic flap forming a pocket which is disposed over a chair. While Gilbert includes an element called a “pocket,” the non-elastic flap actually is draped over the chair and its ends are secured to the first cover surface by straps 34 and 36. Gilbert, Column 2, Lines 14-15 and 40-44. Initially, Applicant maintains that straps 34 and 36 do not form a pocket as that term is defined in Applicant’s claims. In particular, because the sides of Gilbert’s “pocket” are open, Applicant maintains that Gilbert does not describe that

said non-elastic flap has a first edge and a second edge and said second cover surface has a first edge and a second edge and the attachment of said first edge and said second edge of said non-elastic flap directly to said corresponding first and second edges of said second cover surface forms a pair of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair.

Appl’n, Claim 1 (emphasis added). Gilbert’s corners are open and, thus, not square as that term is defined in Applicant’s claim 1. In addition, because the Office Action alleges that Gilbert’s straps 34 and 36 disclose the “ties” described in Applicant’s claim 5, Applicant maintains that

straps 34 and 36 cannot describe the directly attached edges of Applicant's pocket and Applicant's ties, as well. The attached edges of Applicant's pocket and Applicant's ties are separate elements of its claims. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1 and 5 in view of Gilbert.

b. Silvestri.

The Office Action also alleges that Silvestri discloses each and every element of Applicant's invention as described in claims 1-5 and 7-14. Applicant respectfully traverses.

The Office Action alleges that Silvestri describes each an every element of Applicant's claimed invention. In particular, the Office Action alleges that Silvestri describes a pocket defined by two tucks or darts 32. These tucks or darts appear to define a pocket which receives the chair back, and the Office Action alleges that this pocket corresponds to Applicant's pocket as described in Applicant's claims. Nevertheless, Silvestri's pocket does not receive a portion of the cover surface, as described in Applicant's claim 7; or the side pockets, as described in Applicant's claim 8; or the entire first and second cover surface, as described in Applicant's claim 10. Therefore, Applicant is amending its claim 1 to include the limitations of claim 7 and is amending claims 8 and 10 to depend from amended claim 1.

The Office Action also alleges that Silvestri describes a side pocket attached to a first or second cover surface, as described in Applicant's claim 4. While Silvestri does describe pockets 12 and 14, Applicant maintains that Silvestri's pockets do not correspond to Applicant's side pockets 112a and 112b. Therefore, Applicant is rewriting claim 4 in independent form and amending the description to more clearly distinguish Applicant's side pockets over those described in Silvestri.

Finally, the Office Action alleges that Silvestri describes Applicant's ties, as described in Applicant's claim 5. In particular, the Office Action maintains that Silvestri's drawstrings 18 and 20 disclose Applicant's ties. Silvestri's drawstrings 18 and 20 do not function to secure the chair cover to the chair. Silvestri, Column 1, Lines 20-23; **Fig. 2**. Therefore, Applicant is rewriting claim 5 in independent form and amending it to more clearly describe the securing function of Applicant's ties and, thereby, to distinguish Applicant's ties over Silvestri's drawstrings.

Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1-5 and 8-10 in view of Silvestri.

Conclusion:

Applicant respectfully submits that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

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